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10/057,420	01/25/2002	Marvin T. Ling	GTX-001 CIP3	1324
7590	10/30/2008	Nicola A Pisano Lucc Forward Hamilton & Scripps LL 11988 El Camino Real Suite 200 San Diego, CA 92130	EXAMINER	
			GRAHAM, CLEMENT B	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/057,420	Applicant(s) LING, MARVIN T.
	Examiner Clement B. Graham	Art Unit 3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 July 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 and 19-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 and 19-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-166/08)
 Paper No(s)/Mail Date 6/30/08
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION
Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 17, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "issuing", "providing" "accepting"" completing", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17, 19-44, are rejected under 35 U.S.C. 102(e) as being anticipated by Shkedy U.S Patent No: 6, 236, 972,).

As per claim 1, Shkedy discloses a method for conducting electronic commerce transactions between a user and a plurality of vendors offering tangible goods, content, or services for rental or sale at a plurality of vendor web sites, the method comprising: issuing a plurality of electronic tokens from a micro payment service provider server of a micro payment service provider to a user suitable for use in micro payment transactions;

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providing a plurality of micro payment user account to the user, each micro payment user account in the plurality of micro payment accounts storing a subset of the electronic tokens purchased with a different currency.(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67) providing a micro payment vendor account to each one of the plurality of vendors for settling payments for electronic tokens used by the user; accepting, from a vendor, a request for a micro payment transaction between the user and the vendor for specific tangible goods, content, or services; authorizing the micro payment transaction responsive to the request; completing the purchase, responsive to the authorization, completing the purchase responsive to the authorizing of the tangible goods, content, or services from one or more of the plurality of vendors and for each electronic transaction between the user and a vendor, recording a royalty transaction in a corresponding micro payment vendor account.(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 2, Shkedy discloses wherein a subset of the vendors offer content that is hosted at the vendor web sites, the method further comprising:
providing content to the user in exchange for electronic tokens; and
for each electronic transaction, recording a royalty transaction for the content in a corresponding micro payment vendor account. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 3, Shkedy discloses further comprising maintaining a user database in the micro payment service provider server, the user database including micro payment user account information. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 4, Shkedy discloses further comprising maintaining a vendor database in the micro payment service provider server, the vendor database including Micro payment vendor account information. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 5, Shkedy discloses further comprising maintaining a transaction database in the micro payment service provider server comprising records of electronic

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transactions involving use of the electronic tokens at the plurality of vendor web servers. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 6, Shkedy discloses wherein the electronic tokens are issued directly to the user by the micro payment service provider or through the plurality of vendor web sites.

As per claim 7, Shkedy discloses wherein the electronic tokens issued directly to the user by the micro payment service provider or through the plurality of vendor web sites comprise a plurality of incentive tokens, each incentive token in the plurality of incentive tokens designed to provide incentives to users at the sole discretion of the issuing party. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 8, Shkedy discloses wherein the micro payment service provider provides each user a plurality of micro payment user accounts, and the plurality of micro payment user accounts are opened by the user through one or more of: a web site hosted at the micro payment service provider server; a link on the plurality of vendor web sites to the web site hosted at the micro payment service provider server; and a customer service representative of the micro payment service provider. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 9, Shkedy discloses 9. The method of claim 8, wherein each micro payment user account in the plurality of micro payment user accounts stores a subset of the electronic tokens purchased with a different currency.

As per claim 10, Shkedy discloses wherein the micro payment service provider provides a micro payment user interface to the user when the micro payment user account is opened by the user, the micro payment user interface allowing the user to check the status of the micro payment user account. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 11, Shkedy discloses wherein the micro payment service provider provides a micro payment vendor application program interface to the plurality of vendors when the micro payment vendor accounts are opened by the plurality of vendors, the micro payment vendor application program interface allowing the plurality of vendors

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to offer electronic tokens as a payment method to the user. (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 12, Shkedy discloses further comprising rewarding one of the plurality of vendors for attracting a user to use electronic tokens for an electronic transaction. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 13, Shkedy discloses wherein the micro payment service provider server facilitates user's purchase of content from the plurality of vendors without requiring multiple log-in and check-out procedures at each and every vendor web site (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 14, Shkedy discloses wherein the micro payment service provider server enables a user to automatically dispute an unauthorized charge in the micro payment user account (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 15, Shkedy discloses wherein the user may add funds to the micro payment user account prior to or after purchasing tangible goods, content, or services from the vendor (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 16, Shkedy discloses wherein settling payments for electronic tokens comprises settling payments with the plurality of vendors according to a pre-determined amount threshold or time threshold (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 17, Shkedy discloses. 17. (Currently Amended) A system for conducting electronic commerce transactions between a user and a plurality of vendors offering tangible goods, content, or services for rental or sale at a plurality of vendor web sites, without the user having to disclose personal information to one or more of the plurality of vendors, the system comprising:

a micro payment service provider server, comprising:

a routine for issuing a plurality of electronic tokens from the micro payment service provider server;

a user database routine for updating records relating to the electronic tokens issued to the user;

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a vendor database routine for updating records relating to purchases made by the user using electronic tokens at the plurality of vendor web sites(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67) a transaction routine for accepting a requests from a vendor for a transaction, the request identifying a specific user and specific tangible goods, content, or services,

a verification routine for authorizing the transaction; and

a transaction database routine for updating records of electronic transactions involving use of the

electronic tokens at the plurality of vendor web sites a micro payment account user interface; and a micro payment vendor application program interface. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 19, Shkedy discloses wherein the micro payment service provider server further comprises a. routine for recording a royalty transaction for each electronic transaction conducted at the plurality of vendor web sites using the electronic tokens. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 20, Shkedy discloses wherein the micro payment service provider server further comprises a routine to compute the royalty to compensate the author, publisher or other owner of intellectual property of each content sold through the electronic transaction. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 21, Shkedy discloses wherein the micro payment service provider server further comprises a routine allowing the user to purchase content at the plurality of vendor web sites without requiring multiple log-in and check-out procedures at each and every vendor web site. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 22, Shkedy discloses wherein the micro payment service provider server further comprises a routine allowing the user to instantly view a summary of the user's purchases at the plurality of vendor web sites. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

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As per claim 23, Shkedy discloses wherein the micro payment service provider server further comprises a routine allowing the user to set a threshold for purchasing tangible goods, content, or services, the threshold comprising either a total amount per electronic transaction or a total spending amount within a predetermined time period. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 24, Shkedy discloses wherein the micro payment service provider server further comprises a routine allowing the user to set a spending threshold at a plurality of vendor web sites. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 25, Shkedy discloses wherein the micro payment service provider server further comprises a routine to access content from a user's summary of purchased content without requiring a user to re-visit the content provider's web site.

26. The system of claim 18, wherein the micro payment service provider server further comprises a security routine that sets a pre-determined time period after the user logs in at the micro payment service provider server for allowing the user to purchase content at the plurality of vendor web sites. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 26, Shkedy discloses wherein the micro payment service provider server further comprises a security routine to prevent unauthorized downloading of content from the plurality of vendor web sites including encryption of a user login identification with a time variant encryption key. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 27, Shkedy discloses wherein the micro payment service provider server further comprises a security routine to prevent unauthorized downloading of content from the plurality of vendor web sites including validation of a plurality of URL addresses corresponding to the plurality of vendor web sites, transaction data and user login identification by the micro payment service provider server.(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

29. The system of claim 18, wherein the micro payment service provider server further comprises a routine providing security means to prevent unauthorized change of

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transaction data by creating a transaction ID for the transaction data and limiting transmission of the transaction data between the micro payment service provider server and the plurality of vendor web servers. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 28, Shkedy discloses wherein the micro payment service provider server further comprises a routine for settlement of account with the plurality of vendors, according to pre-determined amount thresholds or pre-determined time periods. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 29, Shkedy discloses wherein the micro payment service provider server further comprises a routine for transferring tokens from one user's account to another user's account. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 30, Shkedy discloses wherein the electronic tokens are issued directly to the user by the micro payment service provider or through the plurality of vendor web sites (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 31, Shkedy discloses wherein the micro payment service provider server further comprises a routine for establishing multiple users within one user account, each of the multiple users having the same account privileges. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 32, Shkedy discloses wherein the micro payment account user interface comprises routines for allowing the user to check the status of a plurality of micro payment user accounts opened with the micro payment service provider. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 33, Shkedy discloses wherein the micro payment account user interface comprises one or more of: a web interface hosted at the micro payment service provider server; a client interface downloaded by the user from the micro payment service provider server; an interactive voice response system; and an offline interface with a customer service representative of the micro payment service provider (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

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As per claim 34, Shkedy discloses wherein the web interface and the client interface comprise screens for:
adding funds to the plurality of micro payment user accounts to pay for electronic tokens using multiple currencies;
selecting a plurality of payment methods to add funds to the plurality of micro payment user accounts; selecting spending limits for the plurality of micro payment user accounts; viewing a history of transactions recorded on the plurality of micro payment user accounts;
disputing transactions recorded on the plurality of micro payment user accounts; and accessing the plurality of vendor web sites. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 35, Shkedy discloses wherein the plurality of payment methods comprise a plurality of online payment methods and a plurality of offline payment methods. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 38, Shkedy discloses wherein the plurality of online payment methods comprise one or more of: credit card payment; electronic check payment; electronic currency payment; and automatic debit on a plurality of bank accounts maintained by the user. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 39, Shkedy discloses wherein the plurality of offline payment methods comprise one or more of: check payment; money order payment; purchase order payment; payment by phone; payment through an Internet service provider providing Internet services to the user; payment through a utility company providing utility services to the user; and payment through bills mailed to the user by the micro payment service provider. .(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 40, Shkedy discloses wherein the micro payment account user interface further comprises an interface for allowing the plurality of vendors to manage a plurality of micro payment vendor accounts opened with the micro payment service provider.

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As per claim 41, Shkedy discloses wherein the micro payment vendor application program interface comprises routines for the plurality of vendors to offer electronic tokens as a payment method to the user without having to install client software provided by the micro payment service provider. (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 42, Shkedy discloses further comprising a routine for transmitting information from the plurality of vendor web servers to the micro payment service provider server when the user is purchasing a tangible good, content, or service at the plurality of vendor web sites, the information comprising information about each and every vendor from which the user is purchasing the tangible good, content, or service and information about the tangible good, content, or service. (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 43, Shkedy discloses wherein the information about each and every vendor comprises one or more of: vendor login information; web form post parameter; response from the micro payment service provider server authorizing the purchase of the user; and other optional information for internal tracking purposes. (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

As per claim 44, Shkedy discloses wherein the information about the content comprises one or more of:
title of the content; price of the content; short description of the content; content URL address; number of times to view the content; number of hours to view the content; number of days to view the content; expiration time of the content; and incentive IDs associated with the content. (see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

Conclusion

RESPONSE TO ARGUMENTS

4. Applicant's arguments filed 7/28/08 has been fully considered but they are not persuasive for the following reasons.

5. In response to Applicant's arguments that Shkedy fail to teach or suggest "issuing a plurality of electronic tokens from a micro payment service provider server of a

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micro payment service provider to a user suitable for use in micro payment transactions, providing a plurality of micro payment user account to the user, each micro payment user account in the plurality of micro payment accounts storing a subset of the electronic tokens purchased with a different currency providing a micro payment vendor account to each one of the plurality of vendors for settling payments for electronic tokens used by the user; accepting, from a vendor, a request for a micro payment transaction between the user and the vendor for specific tangible goods, content, or services authorizing the micro payment transaction responsive to the request completing the purchase, responsive to the authorization”

However Shkedy teaches issuing a plurality of electronic tokens from a micro payment service provider server of a micro payment service provider to a user suitable for use in micro payment transactions;

providing a plurality of micro payment user account to the user, each micro payment user account in the plurality of micro payment accounts storing a subset of the electronic tokens purchased with a different currency.(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67) providing a micro payment vendor account to each one of the plurality of vendors for settling payments for electronic tokens used by the user; accepting, from a vendor, a request for a micro payment transaction between the user and the vendor for specific tangible goods, content, or services;

authorizing the micro payment transaction responsive to the request;

completing the purchase, responsive to the authorization,

completing the purchase responsive to the authorizing of the tangible goods, content, or services from one or more of the plurality of vendors and

for each electronic transaction between the user and a vendor, recording a royalty transaction in a corresponding micro payment vendor account.(see column 4 lines 1-40 and column 5 lines 51-67 and column 6-12 lines 1-67).

Therefore it is inherently clear that Applicant’s claimed limitations were addressed within the teachings of Shkedy.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Frantzy Poinvil/
Primary Examiner, Art Unit 3696

CG

OCT 25, 2008